



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: November 17, 2015

Bulletin: No. 2015-26

Subject: **Notice of Proposed Regulatory Action – Amend the POST Peace Officer Selection Requirements, Regulations 1951, 1953, 1954, and 1955**

At the October 22, 2015 meeting, the Commission approved proposed amendments to the *Peace Officer Selection Requirements, Regulations 1951, 1953, 1954, and 1955*. The proposed changes incorporate recent changes to Government Code 1031(e) (peace officer education), update specific regulations, require the sharing of information between background investigators and psychological evaluators, and further clarifies that candidates are to be found medically and psychologically suitable prior to being appointed as peace officers.

The attached notice describes the proposed changes, includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST Website <http://www.post.ca.gov/regulatory-actions.aspx>:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 or at melani.singley@post.ca.gov. The backup contact is Shelley Spilberg at (916) 227-4824. General questions regarding the regulatory process may be directed to Patti Kaida at (916) 227-4847, patti.kaida@post.ca.gov, or FAX (916) 227-4547.

ROBERT A. STRESAK
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
POST Peace Officer Selection Requirements
Regulations 1951, 1953, 1954, and 1955

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 11, 2016, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Authority and Reference

This proposal is made pursuant to the authority vested by Government Code section 1031 (minimum standards for peace officers), Penal Code Section 13503 (authority of the Commission on POST), Penal Code Section 13506 (POST authority to adopt regulations), and Penal Code section 13510 (power for the Commission to adopt selection standards for certain peace officers). This proposal is intended to interpret, implement, and make specific Government Code 1031(e) and Penal Code section 13510 which gives POST the authority to adopt selection standards for departments that participate in the POST program.

Informative Digest/Policy Statement Overview

The POST Peace Officer Selection Requirements are contained in Commission Regulations 1950-1955. The requirements underwent a complete revision in 2009 to create a more cohesive and comprehensive set of regulations consistent with state laws. In 2014, and concurrent with the issuance of the POST Psychological Screening Manual, Regulation 1955(b) was enacted, requiring peace officer screening psychologists to complete POST-approved continuing professional education (CPE).

Commission Regulations 1951, 1953, 1954, and 1955 are being revised to incorporate updates to state law [Government Code section 1031(e)], to clarify the requirements for the sharing of information between those involved in the hiring process, to update the process for the reporting of CPE by psychological evaluators, and to further clarify that candidates must be found medically and psychologically suitable prior to being appointed as peace officers.

The specific benefits anticipated by the proposed regulatory changes to the health and welfare of California residents will be to ensure that peace officers are selected in accordance with state law and that departments are given specific and clear requirements in meeting this obligation. There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

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Documents incorporated by reference: The POST Entry-Level Law Enforcement Test Battery Security Agreement (Rev 8/2015) and the POST Peace Officer Psychological Evaluator Competencies and POST Peace Officer Psychological Screening Dimensions, which are located in the POST Peace Officer Psychological Screening Manual (2014), are incorporated by reference.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

Results of Economic Impact Assessment per Gov. Code section 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure that peace officers are being selected in accordance to state law, specific

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and clear POST regulations, and are found medically and psychologically suitable prior to appointment. There would be no impact that would affect worker safety or the State's environment.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at melani.singley@post.ca.gov, or (916) 227-4258. The back-up contact is Shelley Spilberg at (916) 227-4824. General questions regarding the regulatory process may be directed to Patti Kaida at (916) 227-4847, patti.kaida@post.ca.gov, or FAX (916) 227-5271.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.